GOVERNMENT OF INDIA
INFORMATION AND BROADCASTING
LOK SABHA

UNSTARRED QUESTION NO:2702
ANSWERED ON:16.12.2004
MISLEADING ADVERTISEMENTS
Athawale Shri Ramdas

Will the Minister of INFORMATION AND BROADCASTING be pleased to state:

(a) whether the Government is aware about the large number of advertisements being telecast by television and other media which provide confusion, incomplete and wrong information to the customers;

(b) whether the Government has received any memorandum/ complaints in this regard during the last three years;

(c) if so, the details thereof;

(d) whether the Government propose to ban such confusing/ misleading advertisements;

(e) if not, the reasons therefor; and

(f) the action taken or proposed to be taken by the Government in this regard?

Answer

THE MINISTER OF INFORMATION AND BROADCASTING AND CULTURE (SHRI JAIPAL REDDY)

(a) to (f): The Press in India is free from Government control. The Press Council of India (PCI) is a statutory body established for preserving the freedom of the Press and for maintaining and improving the standards of newspapers and news agencies in India. PCI has set the Norms for Journalistic Ethics, which states that the Editors should insist on their right to have the final say in the acceptance or rejection of advertisements.

The Advertisement Code framed by the Advertising Standards Council of India (ASCI) aims to ensure the truthfulness and honesty of representations of claims made by advertisements and so safeguard against misleading advertisements.

As regards the electronic media, Prasar Bharati, a statutory autonomous Corporation, follows its own code for commercial advertising, which contains stringent provisions for safeguarding the interest of society in general, and consumers in particular.

Advertisements transmitted/ re-transmitted through the Cable Television Network are required to adhere to the provisions of the Advertising Code prescribed under the Cable Television Networks (Regulation) Act, and Rules framed there under, which inter- alia prescribe that advertisements shall conform the laws of the country, the product advertised shall not suffer from any defect or deficiency as mentioned in the Consumer Protection Act, 1986 and shall not contain references which are likely to lead the public to infer that the product advertised has some miraculous property or quality which is difficult of being proved. Under Section 19 of the Cable Act an `Authorized Officer`, i.e. District Magistrate / Sub Divisional Magistrate and Commissioner of Police and such other officers as may be notified by the Central/ State Government in this regard under the Cable Act, 1995, can take action for violation of the Advertising Code.

The Central Government has constituted an inter-ministerial Committee to take cognizance suo moto or look into specific complaints regarding violation of advertising code by TV channels. No such instance has come to the notice of the Committee so far.

The Central Board of Film Certification (CBFC) certifies films, including that of advertisements for public exhibition under the provisions of Section 5(B) of the Cinematograph Act 1952 and the guidelines framed there under.